

Application of Brown - Serial No. 09/246,784

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weather conditions,

a processor coupled to the receiver and configured to process the data signal received by the receiver, thereby generating a result based on the data signal, and
an indicating circuit configured to indicate the result.

Claim 25, line 1, change "claim 21" to --claim 24--.

Claim 26, line 1, change "claim 21" to --claim 24--.

REMARKS

The office action of October 18, 1999, has been carefully reviewed and this paper is responsive thereto.

Claims 25 and 26 stand rejected under 35 U.S.C. § 112, second paragraph. Claim 24 stands rejected under 35 U.S.C. § 102(a) and (e), as being anticipated by Germanton. Claims 24, 40, 41, 43, and 44 stand rejected under 35 U.S.C. § 102(a) and (e), as being anticipated by Allison et al. (hereinafter referred to as Allison). Claims 14-23, 25-39, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allison. Finally, the Examiner stated that since the independent and main claims do not contain patentable subject matter, and because of the multitude of diverse subject matter in various combinations in the dependent claims, each of the various combinations and sub-combinations of the dependent claims can be argued to support distinct inventions having subject matter which the other combinations do not require. The Examiner required Applicant to select and elect which of the claimed combinations or species he wishes to pursue for further prosecution. The

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Examiner further requested that Applicant state why the application's claims are distinct and unobvious from those issued in the parent application, or otherwise a terminal disclaimer may be appropriate and required. The rejections and alleged election of species requirement are traversed and reconsideration is hereby respectfully requested.

Applicant has amended the preamble of claim 14 to provide "a portable weather analyzing and reporting station." Claim 14 has been further amended to include the recitation of "a storage device configured to store a characteristic of at least one of a plurality of past weather conditions." Claim 24 has been amended to provide "a portable weather analyzing and reporting station" and has been further amended to provide the recitation of "a second housing including ... a storage device configured to store a characteristic of at least one of a plurality of past weather conditions." Support for the amendments may be found at least on page 5, lines 25-27, page 8, lines 4-6, page 11, lines 19-21, page 12, lines 3-5, and in Figures 5 and 9. No new matter has been entered. Claims 25 and 26 have been amended to correct a typographical error.

The Examiner rejected claim 24 under 35 U.S.C. § 102(a) and (e), as being anticipated by Germanton. Germanton teaches a thermometer that provides remote real time readings. Germanton does not disclose the recitation of claim 24, as amended, of "a second housing including ... a storage device configured to store a characteristic of at least one of a plurality of past weather conditions."

The Examiner also rejected claim 24 under 35 U.S.C. § 102(a) and (e), as being anticipated by Allison. Allison teaches a meteorological workstation that is a part of a fixed infrastructure. The

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meteorological workstation taught by Allison is housed in a console, includes at least three display screens that are each a color cathode ray tube (CRT) of the dimension of 1280 pixels x 1024 pixels (col. 3, line 65 to col. 4, line 3), and includes as data sources a satellite dish, ground-based sensors, and radar that are all connected to the meteorological workstation via a data bus. (see col. 3, line 47, to col. 4, line 3; also see Figure 1). Allison does not disclose "a portable weather analyzing and reporting station." Furthermore, as acknowledged by the Examiner in paragraph 9 of the Office Action, Allison does not disclose the recitations of claim 24, as amended, of a first housing including a sensing circuit and a transmitter, and a second housing including a receiver, a storage device, a processor, and an indicating circuit, wherein the transmitter is configured to wirelessly transmit a data signal and the receiver is configured to wirelessly receive the data signal. Therefore, Applicant submits that claim 24, as amended, is not disclosed by either Germanton or Allison. Accordingly, Applicant respectfully requests that claim 24 be passed to allowance.

Since claims 25-26 and 40-44 depend upon allowable claim 24, Applicant respectfully requests that claims 25-26 and 40-44 may now be passed to allowance.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Allison. As explained above, Allison does not teach or suggest the "portable weather analyzing and reporting station" of claim 14. Therefore Applicant submits that claim 14, as amended, is not taught or suggested by Allison. Accordingly, Applicant respectfully requests that claim 14 may now be passed to allowance.

Since claims 15-23 and 27-39 depend upon allowable claim 14, Applicant respectfully

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requests that claims 15-23 and 27-39 be passed to allowance.

Finally, the Examiner stated that "since the independent and main claims do not contain patentable subject matter, and because of the multitude of diverse subject matter in various combinations in the dependent claims, each of the various combinations and subcombinations of the dependent claims can be argued to support distinct combinations (i.e., distinct inventions) having subject matter which the other combinations do not require. Applicant is therefore required to select and elect which of the claimed combinations or species Applicant wishes to pursue for further prosecution and point out which group of claims read thereupon and which figure supports such group."

Applicant understands this alleged restriction/election requirement as predicated on the Examiner's belief that the independent claims are not allowable. Applicant submits that, in view of the above amendment, the independent claims are allowable and the dependent claims are likewise allowable. Accordingly, by the fact that the independent claims are allowable, the Examiner's alleged requirement is deemed satisfied.

If, however, the Examiner believes that an election or restriction requirement is necessary, the Examiner is requested to make one formally of record in accordance with MPEP 800. MPEP 809.02(a) requires that the Examiner clearly identify each of the disclosed species to which claims are restricted, or, if the species cannot be conveniently identified, then the claims must be grouped in accordance with the species to which they are restricted. Accordingly, as the Examiner did not clearly identify each of the disclosed species or to group the claims with the species, Applicant submits that

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Applicant cannot respond to the Examiner's requirement.

The Examiner requested that Applicant state why the application's claims are distinct and unobvious from those issued in the parent application or a double patenting rejection may be issued. Applicant notes that both the parent patent and this application have a term of 20 years from the original filing date (February 1997). In this regard, there can be no extension of the life of the child beyond that of the parent. In this regard, Applicant submits that a terminal disclaimer is unnecessary. However, if the Examiner nonetheless believes that a double patent rejection is warranted, Applicant requests the Examiner make a double patenting rejection formally of record, at which time Applicant will formally respond.

Applicant submits all claims are now allowable. If any questions remain, the Examiner is invited to contact the undersigned to further prosecution.

Respectfully submitted,

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